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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Perman & Green, LLP 99 Hawley Lane Stratford, CT 06614			EXAMINER TRUONG, THANHNGA B	
			ART UNIT	PAPER NUMBER
			2438	
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			11/03/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/864,017	Applicant(s) VANTTINEN ET AL.	
	Examiner THANHNGA B. TRUONG	Art Unit 2438	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-20 is/are allowed.
- 6) ☒ Claim(s) 21-28 and 31-34 is/are rejected.
- 7) ☒ Claim(s) 29-30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the communication filed on August 17, 2009. Claims 1-34 are pending. At this time, claims 21-28 and 31-34 are still rejected. Claims 29-30 are objected.

In preparing for this office action, Examiner has pointed out particular references contained in the prior art(s) of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claims, other passages and figures may apply as well. Applicant should consider the entire prior art as applicable as to the limitations of the claims. It is respectfully requested from the applicant, in preparing the response, to consider fully each reference in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Response to Arguments

2. Applicant's arguments filed August 17, 2009, with respect to claims 27-34 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

3. The indicated allowability of claims 21-26 are withdrawn in view of the new ground(s) rejection for 35 USC 112 2nd paragraph for claims 21-23. Claims 21-23 have the similar "means for" steps to those of the board's decision mailed out on June 18, 2009 for claims 27-34, wherein these claims (27-34) are now amended by the applicant to overcome the 112 2nd issues.

4. Claims 1-20 are allowed.

5. Claims 29-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 21-26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim limitations **in claims 21-23** use the phrase "means for" or "step for", but it is modified by some structure, material, or acts recited in the claim. It is unclear whether the recited structure, material, or acts are sufficient for performing the claimed function which would preclude application of 35 U.S.C. 112, sixth paragraph, because **it is unclear whether the recited structure is sufficient for performing the claimed function. In this situation, it is unclear the recited structure in the claim would preclude application of 112, 6th (failing the 3rd prong of the analysis).**

If applicant wishes to have the claim limitation treated under 35 U.S.C. 112, sixth paragraph, applicant is required to amend the claim so that the phrase "means for" or "step for" is clearly not modified by sufficient structure, material, or acts for performing the claimed function.

If applicant does not wish to have the claim limitation treated under 35 U.S.C. 112, sixth paragraph, applicant is required to amend the claim so that it will clearly not be a means (or step) plus function limitation (e.g., deleting the phrase "means for" or "step for").

Claims 24-26 are depended on claim 21, thus they are rejected with the same rationale applied against claim 21 above.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 27-28 and 33-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Linden et al (US 6,549,773 B1).

a. Referring to claim 27:

i. Linden teaches a packet data device being an integral part of a mobile station or being attachable to a mobile station (**see Figure 1, client 1 of Linden**), comprising a processor, the processor being configured to:

(1) receiving information about a location information request and about a sender of a location information request from a mobile station (**see Figure 1, wherein client 1 functions as a mobile station sending a request via gateway 2 through server 3 for requesting information related between communication device MS1 and MS2 and column 6, lines 1-15 of Linden**); and

(2) exchanging with a network element connected to a cellular network information about a security association, which points to the network element from the sender of the location information request (**see Figure 1 and column 10, lines 6-8, wherein the information is exchanging between the client 1 and server 3; and column 6, lines 57-66, wherein the information about a security association is stored in the smart card (e.g., SIM card) that uses in mobile phone, such as MS1 and MS2 of Linden**).

b. Referring to claim 28:

i. This claim has limitations that is similar to those of part (2) of claim 27, thus it is rejected with the same rationale applied against part (2) of claim 27 above.

c. Referring to claim 33:

i. Linden further teaches:

(1) receive a notification from a cellular network about the location information request (**see Figure 1, wherein server 3 received request from**

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MS1 and/or MS2 through client 1 functioning as mobile station; and column 6, lines 1-15 of Linden).

(2) responding to the cellular network with a notification response (see Figure 1, wherein server responded information, message, or notification to client 1 of Linden), and

(3) a packet data device, which is either an integral part of the mobile station or attached to the mobile station, about the location information request (see Figure 1, wherein client 1 is a packet data device that associated with MS1 and MS2 requesting information through server 3 of Linden).

d. Referring to claim 34:

i. Linden further teaches:

(1) wherein the processor is configured to initiate responding to the cellular network by a permission sent by the packet data device (column 1, lines 34-43 of Linden).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linden et al (US 6,549,773 B1), and further in view of Wang et al (US 6,415,154 B1).

a. Referring to claim 31-32:

i. Although Linden teaches the claimed subject matter, Linden is silent on the capability of showing receiver of a positioning system, wherein the receiver is a Global Positioning System receiver. On the other hand, Wang teaches these limitations in column 2, lines 26-30 of Wang.

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iii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have modified the invention of Linden with the teaching of Wang to enhance the wireless network communication system.

iv. The ordinary skilled person would have been motivated to:

(1) have modified the invention of Linden with the teaching of Wang to determine the location of the network element, such as mobile phone.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanhnga (Tanya) Truong whose telephone number is 571-272-3858.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Taghi Arani can be reached at 571-272-3787. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

/Thanhnga B. Truong/

Primary Examiner, Art Unit 2438

November 2, 2009